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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,189	12/29/2000	Daniel B. Stewart	NTL-3.2.160/3597 (12740RO)	8529
7590 09/08/2004			EXAMINER	
Mintz, Levin, Cohn, Ferris Clovski & Popeo 666 3rd Avenue New York, NY 10017			JACOBS, LASHONDA T	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/751,189	STEWART ET AL.	
	Examiner	Art Unit	
	LaShonda T Jacobs	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2000.
- 2a) ☐ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-62 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121.
  - I. Claims 1-4, 19-22, 36 and 45, drawn to a method associated with a domain name system server, of controlling the transfer information via a network, said method comprising receiving, from a client device, a request for a network address that is associated with a service; selecting a respective one of a plurality of network addresses each which etc..., classified in class 709, subclass 217.
  - II. Claims 5-6, 23-24, 37 and 49, drawn to a method, associated with a database server, of controlling the transfer of information via a network, said method comprising receiving, from a domain server, a request to determine whether a client device is associated with a t least one quality of service level etc..., classified in class 709, subclass 218.
  - III. Claims 7-9, 25-27, 38 and 51, a method, associated with a server that is currently designated to receive service requests from a client device, of controlling the transfer of information via a network, said method comprising transmitting a request to a further server for said further server to receive further service requests from said client device; said server and said further server each being associated with a service etc..., classified in class 709, subclass 219.
  - IV. Claims 10, 28, 39 and 54, a method associated with one of a domain name server and a database server, of controlling the transfer of information via a network said method comprising, receiving, from a server, a request for an available server that is associated with a server; said server and said available

further server each being associated with said service etc., classified in class 709 subclass 219.

V. Claims 11-14, 29-32, 40, 42 and 55-58, a method, associated with a server, of controlling the transfer of information via a network said method comprising transmitting to a database, a request for quality of service level associated with a client device etc., classified in class 709, subclass 225.

VI. Claims 15, 16, 33, 41, 59 and 60, a method, associated with a least one network element of a network, of controlling the transfer of information via said network, said method comprising receiving, from one of a server and a client device, a request to provide a quality of service level for said client device etc., classified in class 709, subclass 223.

VII. Claims 17, 34, 43 and 61, a method, associated with a database server, of controlling the transfer of information via a network, said method comprising receiving from at least one a network and a server, a request to verify whether a client device is associated with a quality of service level etc., classified in class 709, subclass 226.

VIII. Claims 18, 35, 44 and 62, a method, associated with a server, of controlling the transfer of information via network, said method comprising receiving, from a client device, a service request at a quality of service level; transmitting, to a database, a request to verify that said quality of service level is associated with said client device etc., classified in class 709, subclass 224.

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2. The inventions are distinct, each from another because of the following reasons:

Inventions I and II are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as in a method, associated with a database server of controlling the transfer of information via a network comprising receiving, from a domain name server, a request to determine whether a client device is associated with at least one quality of service (as set forth in invention II). See MPEP § 806.05(d).

3. The inventions are distinct, each from another because of the following reasons:

Inventions I and III are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as in a method, associated with a server that is currently designated to receive requests from a client device, of controlling the transfer of information via a network comprising transmitting a request to a further server for said further server to receive further service requests from said client device; said server and said further server each being associated with a service (as set forth in invention III). See MPEP § 806.05(d).

4. The inventions are distinct, each from another because of the following reasons:

Inventions I and IV are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as in a method associated with one of a domain name server and a database server of controlling the transfer of information via a network comprising receiving from a server a request for

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an available further server that is associated with a service; said server and said available further server each being associated with said service (as set forth in invention IV). See MPEP § 806.05(d).

5. The inventions are distinct, each from another because of the following reasons:

Inventions I and V are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as in a method associated with a server of controlling the transfer of information via a network comprising transmitting to a database a request for a quality of service level associated with a client device (as set forth in invention V). See MPEP § 806.05(d).

6. The inventions are distinct, each from another because of the following reasons:

Inventions I and VI are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as in a method associated with at least one network element of a network of controlling the transfer of information via said network comprising receiving, from one of a server and a client device, a request to provide a quality of service level for said client device (as set forth in invention VI). See MPEP § 806.05(d).

7. The inventions are distinct, each from another because of the following reasons:

Inventions I and VII are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as in a method associated with a database server of controlling the transfer of information via a

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network comprising receiving from at least one of a network and a server a request to verify whether a client device is associated with a quality of service level (as set forth in invention VII). See MPEP § 806.05(d).

8. The inventions are distinct, each from another because of the following reasons: Inventions I and VIII are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as in a method associated with a server of controlling the transfer of information via a network comprising receiving from a client device a service request at a quality of service level (as set forth in invention VIII). See MPEP § 806.05(d).

9. The inventions are distinct, each from another because of the following reasons: Inventions II and III are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as in a method, associated with a server that is currently designated to receive requests from a client device, of controlling the transfer of information via a network comprising transmitting a request to a further server for said further server to receive further service requests from said client device; said server and said further server each being associated with a service (as set forth in invention III). See MPEP § 806.05(d).

10. The inventions are distinct, each from another because of the following reasons: Inventions II and IV are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as in a



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method associated with one of a domain name server and a database server of controlling the transfer of information via a network comprising receiving from a server a request for an available further server that is associated with a service; said server and said available further server each being associated with said service (as set forth in invention IV). See MPEP § 806.05(d).

11. The inventions are distinct, each from another because of the following reasons: Inventions II and V are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as in a method associated with a server of controlling the transfer of information via a network said method, comprising transmitting to a database a request for a quality of service level associated with a client device (as set forth in invention V). See MPEP § 806.05(d).

12. The inventions are distinct, each from another because of the following reasons: Inventions II and VI are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as in a method associated with at least one network element of a network of controlling the transfer of information via said network comprising receiving, from one of a server and a client device, a request to provide a quality of service level for said client device (as set forth in invention VI). See MPEP § 806.05(d).

13. The inventions are distinct, each from another because of the following reasons: Inventions II and VII are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown

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to be separately usable. In the instant case, invention II has separate utility such as in a method associated with a database server of controlling the transfer of information via a network comprising receiving from at least one of a network and a server a request to verify whether a client device is associated with a quality of service level (as set forth in invention VII). See MPEP § 806.05(d).

14. The inventions are distinct, each from another because of the following reasons: Inventions II and VIII are related as sub-combinations disclosed as usable together in a single combination. In the instant case, invention II has separate utility such as in a method associated with a server of controlling the transfer of information via a network comprising receiving from a client device a service request at a quality of service level (as set forth in invention VIII). See MPEP § 806.05(d).

15. The inventions are distinct, each from another because of the following reasons: Inventions III and IV are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as in a method where the network chip comprises a port for inter-node communication for marking the port to prevent transmission of packets of a first traffic type while permitting transmission to another node of packets of a second traffic type and routing via said port only packets not of said traffic type (as set forth in invention IV). See MPEP § 806.05(d).

16. The inventions are distinct, each from another because of the following reasons: Inventions III and V are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as in a

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method associated with a server of controlling the transfer of information via a network said method, comprising transmitting to a database a request for a quality of service level associated with a client device (as set forth in invention V). See MPEP § 806.05(d).

17. The inventions are distinct, each from another because of the following reasons: Inventions III and VI are related as sub-combinations disclosed as usable together in a single combination. In the instant case, invention III has separate utility such as in a method associated with at least one network element of a network of controlling the transfer of information via said network comprising receiving, from one of a server and a client device, a request to provide a quality of service level for said client device (as set forth in invention VI). See MPEP § 806.05(d).

18. The inventions are distinct, each from another because of the following reasons: Inventions III and VII are related as sub-combinations disclosed as usable together in a single combination. In the instant case, invention III has separate utility such as in a method associated with a database server of controlling the transfer of information via a network comprising receiving from at least one of a network and a server a request to verify whether a client device is associated with a quality of service level (as set forth in invention VII). See MPEP § 806.05(d).

19. The inventions are distinct, each from another because of the following reasons: Inventions III and VIII are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as in a method associated with a server of controlling the transfer of information via a network

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comprising receiving from a client device a service request at a quality of service level (as set forth in invention VIII). See MPEP § 806.05(d).

20. The inventions are distinct, each from another because of the following reasons: Inventions IV and V are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV has separate utility such as in a method associated with a server of controlling the transfer of information via a network comprising transmitting to a database a request for a quality of service level associated with a client device (as set forth in invention V). See MPEP § 806.05(d).

21. The inventions are distinct, each from another because of the following reasons: Inventions IV and VI are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV has separate utility such as in a method where the network chip comprises a port for inter-node communication for marking the port to prevent transmission of packets of a first traffic type while permitting transmission to another node of packets of a second traffic type and routing via said port only packets not of said traffic type (as set forth in invention VI). See MPEP § 806.05(d).

22. The inventions are distinct, each from another because of the following reasons: Inventions IV and VII are related as sub-combinations disclosed as usable together in a single combination. In the instant case, invention IV has separate utility such as in a method associated with a database server of controlling the transfer of information via a network comprising receiving from at least one of a network and a server a request to

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verify whether a client device is associated with a quality of service level (as set forth in invention VII). See MPEP § 806.05(d).

23. The inventions are distinct, each from another because of the following reasons: Inventions IV and VIII are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV has separate utility such as in a method associated with a server of controlling the transfer of information via a network comprising receiving from a client device a service request at a quality of service level (as set forth in invention VIII). See MPEP § 806.05(d).

24. The inventions are distinct, each from another because of the following reasons: Inventions V and VI are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention V has separate utility such as in a method where the network chip comprises a port for inter-node communication for marking the port to prevent transmission of packets of a first traffic type while permitting transmission to another node of packets of a second traffic type and routing via said port only packets not of said traffic type (as set forth in invention VI). See MPEP § 806.05(d).

25. The inventions are distinct, each from another because of the following reasons: Inventions V and VII are related as sub-combinations disclosed as usable together in a single combination. In the instant case, invention V has separate utility such as in a method associated with a database server of controlling the transfer of information via a network comprising receiving from at least one of a network and a server a request to

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verify whether a client device is associated with a quality of service level (as set forth in invention VII). See MPEP § 806.05(d).

25. The inventions are distinct, each from another because of the following reasons: Inventions V and VIII are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention V has separate utility such as in a method associated with a server of controlling the transfer of information via a network comprising receiving from a client device a service request at a quality of service level (as set forth in invention VIII). See MPEP § 806.05(d).

26. The inventions are distinct, each from another because of the following reasons: Inventions VI and VII are related as sub-combinations disclosed as usable together in a single combination. In the instant case, invention VI has separate utility such as in a method associated with a database server of controlling the transfer of information via a network comprising receiving from at least one of a network and a server a request to verify whether a client device is associated with a quality of service level (as set forth in invention VII). See MPEP § 806.05(d).

27. The inventions are distinct, each from another because of the following reasons: Inventions VI and VIII are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention VI has separate utility such as in a method associated with a server of controlling the transfer of information via a network comprising receiving from a client device a service request at a quality of service level (as set forth in invention VIII). See MPEP § 806.05(d).

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28. The inventions are distinct, each from another because of the following reasons: Inventions VII and VIII are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as in a method associated with a server of controlling the transfer of information via a network comprising receiving from a client device a service request at a quality of service level (as set forth in invention VIII). See MPEP § 806.05(d).

A telephone call was made to Richard Lehrer on August 26, 2004 regarding a restriction requirement. No claims were elected.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T. Jacobs  
Examiner  
Art Unit 2157

ltj  
August 26, 2004

A handwritten signature in black ink, appearing to read 'Saleh Najjar', written in a cursive style.

**SALEH NAJJAR  
PRIMARY EXAMINER**